

PUBLIC HEARING--April 14, 1965

Appeal #8141 Paul V. Gardner, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on April 20, 1965:

ORDERED:

That the appeal for a variance from the side yard requirements of the R-1-B District to permit one and one-half story addition to single-family dwelling for a garage at 3612 Massachusetts Avenue, N.W., lot 5, square 1931, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot which is triangular in shape, has frontages of 112 feet on Massachusetts Avenue, 164.28 feet on 36th Street and 120 feet on its southeast lot line. The lot contains an area of 5732 square feet of land and is improved with a detached dwelling.

(2) Appellant's dwelling has a five foot wide side yard on the southeast lot line which met the requirements of the Zoning Regulations at the time the dwelling was erected. This side yard is now nonconforming as present regulations require a minimum of eight feet.

(3) Appellant proposes to erect a one-story and attic building to be used as a garage with storage space above.

(4) Appellant basis his hardship on the fact that due to the shape of the lot and the 15 foot building restriction line on 36th Place, that it is impossible to erect the addition and provide the eight foot side yard required by the regulations. An inspection of the plat on file will reveal that the proposed addition will be on line with the existing side yard and one corner of the addition abutting the building restriction line.

(5) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations due to the shape of the lot and the further fact that the building restriction line prevents his moving the building in to provide the required side yard. Further, it is our opinion that the proposed garage will not affect light and air to adjoining properties as it is well removed from its abutting property owner, who does not protest the addition.

In view of the above it is our further opinion that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.